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PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 3rd day of March, 2003.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gorski, et al.

Serial No.: 09/940,673

Filed: August 27, 2001

For: **GROWTH ARREST HOMEBOX
GENE**

Examiner: Kerr, Kathleen M.

Group Art Unit: 1652

Attorney Docket No.: 22311/04015

Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL PRELIMINARY AMENDMENT

Dear Sir:

The following is in response to the restriction requirement mailed October 1, 2002. Applicant would like to thank the Examiner for the telephone interview of March 3, 2002 and her suggestions regarding the claims that had been canceled from this application. As a result of such telephone interview, applicants are adding back claims that had been canceled without prejudice or disclaimer to the present application. Accordingly, please amend the application as follows:

IN THE CLAIMS:

Please add the following claims:

41. (New) An isolated mammalian Gax protein which inhibits vascular smooth muscle cell proliferation, said Gax protein having a molecular weight of 30 to 36 kDa and comprising a homeodomain, wherein the amino acid sequence of said homeodomain comprises amino acid

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TRANSMITTAL OF SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

Transmitted herewith are the following:

1. Supplemental Preliminary Amendment;
2. Petition for Extension of Time Under 37 C.F.R. 1.136(a);
3. A check in the amount of \$1,450.00; and
4. A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: March 13, 2003

By: Pamela A. Docherty

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(216) 622-8416